

## REMARKS

Applicant respectfully requests reconsideration of this application as amended. Claims 1 through 15 are pending in this application. Applicant has amended claims 10 and 12 to correct minor defects in grammar.

## SECTION 102 ISSUES

In the Office Action, at paragraph 4, claims 1 through 5, 7, 9, 12, and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by *Kronstadt et al.*, U.S. Patent No. 4,725,945 (hereinafter *Kronstadt*). Applicant respectfully traverses.

Applicant wishes to first point out that *Kronstadt* only discusses *any* kind of “redundant arrays” in one place, at column 4, lines 39 – 45:

An additional benefit of multiple memory banks is that one or e more *redundant* memory banks *could be* supported and brought into action if it is detected that one of the currently running banks has failed. The memory controller can dynamically map the bank number from the processor to the ones currently operating. (Applicant’s emphasis added.)

Applicant has downloaded the *Kronstadt* reference, and has by searching the text determined that the one use of the term “redundant” quoted above is the *one and only time* this term even *appears* in the *Kronstadt* reference. Certainly nowhere in the figures of *Kronstadt* is any hint of the use of redundant arrays.

With regards claim 1, the Office Action stated that the statement in *Kronstadt* quoted above anticipated the use of the “redundant array” as recited in claim 1 as originally filed. Applicant submits that the brief mention in passing of the *possibility* of incorporating “redundant memory banks” is not a required enabling disclosure, which is required for anticipation of the “redundant array” recited in claim 1. See for example MPEP section 2121.01 for citations from relevant case law. “...the stated test is whether a reference contains an ‘enabling disclosure’....” *In re Hoeksema*, 399 F.2d 269 (CCPA 1968). “...mere naming or description of the subject matter is insufficient....” *Elan Pharm., Inc. v. Mayo Foundation* 346 F.3d 1051, 1054 (Fed. Cir. 2003). Applicant submits that the invention of claim 1 as originally filed is not anticipated by the *Kronstadt* reference.

In order to further the prosecution, and to make claim 1 more clearly claim the invention, applicant has amended claim 1 to now recite in pertinent part “a bus having sets of data lines for connection to the *regular arrays and to said redundant array*”. Applicant submits that this amended language makes the argument above even more clearly, as there are no “redundant arrays” shown in *Kronstadt* which are shown connected to any bus. Applicant submits that amended claim 1 is not anticipated by the *Kronstadt* reference.

With regards claims 7 and 12, the Office Action asserted that *Kronstadt* disclosed “the logic being configured with a bit (valid field) that is set to a first state to connect an *ith* regular array to an *ith* set of the bus lines, with the redundant array being disconnected from the data bus”, and offered a citation to column 3, lines 15 – 45 for support of this

assertion. Applicant wishes to point out that what is disclosed in column 3, lines 15 – 45 is instead a way of determining whether there is a valid copy of the data in the buffers, and that *Kronstadt nowhere discusses anything* about any “bit settings” and their influence on the connection of any “redundant arrays”. Applicant submits that the invention of claims 7 and 12 as originally filed are not anticipated by the *Kronstadt* reference.

In order to further the prosecution, and to make claim 7 more clearly claim the invention, applicant has amended claim 7 to now recite in pertinent part “a data bus . . . for connection to the *regular* arrays *and to said redundant array*”. Applicant submits that this amended language makes the argument above even more clearly, as there are no “redundant arrays” shown in *Kronstadt* which are shown connected to any bus. Applicant submits that amended claim 7 is not anticipated by the *Kronstadt* reference.

Since dependent claims 2 – 5, 9, and 13 depend from independent claims 1, 7, and 12, respectively, and since applicant believes that independent claims 1, 7, and 12 are patentable over the cited *Kronstadt* reference, then applicant further submits that dependent claims 2 – 5, 9, and 13 are also patentable over *Kronstadt*.

#### SECTION 103 ISSUES

In the Office Action, at paragraph 6, claims 10 and 14 stand rejected under 35 U.S.C. §103(a) as being anticipated by a combination of *Kronstadt* and Parulkar, U.S. Patent No. 6,769,081 (hereinafter

*Parulkar*). Applicant submits that this rejection is currently moot, because the dependent claims 10 and 14 depend from independent claims 7 and 12, respectively, and because applicant believes that independent claims 1, 10, 15, and 20 are patentable over the cited *Gschwind* reference. Applicant requests that this rejection be withdrawn.

#### DOUBLE PATENTING ISSUES

In the Office Action, at paragraph 8, claims 1 through 15 stand rejected under the judicially-created doctrine of obviousness-type double patenting in view of U.S. Patent No. 6,662,271, of which the present application is a continuation from. Applicant is submitting with this response a terminal disclaimer, signed by an attorney of record. Applicant therefore requests that the rejection under the judicially-created doctrine of obviousness-type double patenting be withdrawn.

SUMMARY

Applicant believes that all pending claims are allowable over the cited art of record. Applicant therefore respectfully requests that all pending claims 1 through 15 be allowed.

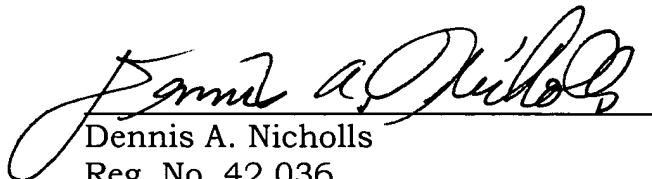
Applicant further wishes to point out that no art rejections were made with respect to claim 15. Applicant has therefore not be able to make any arguments about the patentability of claim 15 with respect to cited art, and for this reason requests that any further Office Action be made non-final.

If the Examiner finds any remaining impediment to the prompt allowance of these claims that could be clarified with a telephone conference, the Examiner is respectfully requested to contact applicant's representative, Dennis A. Nicholls, at (408) 765-5789.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Dennis A. Nicholls  
Reg. No. 42,036  
12400 Wilshire Blvd.  
Seventh Floor  
Los Angeles, CA 90025  
(408) 765-5789

Attorney for Assignee Intel Corporation